

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 TUNIS 5801

E.O.11652: GDS
TAGS: PINT PINS TS
SUBJECT: THE BEN SALAHIST TRIAL: VERDICT NEARS

1. SUMMARY: THE BEN SALAHIST TRIAL: VERDICT NEARS
THE STATE SECURITY COURT TRIAL OF AHMED BEN SALAH
AND 32 ALLEGED ACCOMPLICES FOR ATTEMPTING TO OVERTHROW
THE STATE IS DRAWING TO A CLOSE. THE COURT COMPLETED
ITS QUESTIONING OF THE DEFENDANTS AND THE PROSECUTOR
HAS SUMMARIZED THE GOT CASE PRESENTED IN A 7,000
WORD INDICTMENT. DEFENSE LAWYERS HAVE NEARLY COMPLETED
THEIR STATEMENTS TO THE COURT AND THE JUDGE IS EXPECTED
TO GIVE VERDICT SOON. THE PROCEEDINGS IN ARABIC
HAVE BEEN OPEN TO THE PUBLIC AND HAVE BEEN COVERED
FAIRLY COMPLETELY IN THE SEMI-INDEPENDENT PRESS.

2. THE TRIAL HAS LEFT LITTLE DOUBT THAT MOST OF THE
DEFENDANTS WERE OPPOSED TO THE POLICIES OF THE CURRENT
REGIME AND THAT THEY WERE SEEKING TO MOBILIZE THEMSELVES
FOR POLITICAL ACTION UNDER THE NAME OF THE MOVEMENT OF
POPULAR UNITY (MUP). GOT ASSERTS THAT FIVE-POWNT
MANIFESTO CIRCULATED IN JANUARY 1977 AND OTHER POLITICAL
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TRACTS AUTHORED BY MUP ADVOCATED OVERTHROW OF REGIME
BY ILLEGAL MEANS. JANUARY TRACT IN PARTICULAR CALLED
BOURGUIBA'S ELECTION AS PRESIDENT FOR LIFE ILLEGAL
AND ADVOCATED THE ESTABLISHMENT OF "PROVISIONAL GOVERNMENT
OF NATIONAL SOLIDARITY" TO HOLD NEW ELECTIONS AND
REVISE CONSTITUTION. DEFENDANTS DISCLAIM RESPONSIBILITY
FOR FULL CONTENT OF MUP TRACTS AND ASSERT THAT IN

OTHER ACTIVITIES THEY WERE ONLY EXERCISING CONSTITUTIONALLY
QUARANTEED FREEDOMS OF SPEECH AND ASSEMBLY. THEY DENY
THAT THEY SOUGHT TO CHANGE REGIME BY VIOLENT OR OTHER
ILLEGAL MEANS. GOT PRESENTED NO EVIDENCE IN COURT
THAT DEFENDANTS ENGAGED IN ANY ACTIVITY OTHER THAN
PARTICIPATING IN PERIODIC DISCUSSION GROUPS IN TUNISIA
AND EUROPE DRAFTING AND DISTRIBUTION POLITICAL TRACTS
AND RECRUITING ACTIVISTS.

3. SOME DEFENDANTS HAVE TOLD COURT THAT THEY WERE
TORTURED IN COURSE OF POLICE INTERROGATION. END SUMMARY.

4. THE GOT'S TRIAL OF 33 PERSONS ON CHARGES OF SEEKING
TO OVERTHROW THE STATE IS DRAWING TO A CLOSE. THE
ST NTDDTODOTY COURT HAS REVIEWED EVIDENCE PRESENTED
TO IT IN A 7,000 WORD INDICTMENT BASED ON POLICE
INTERROGATION OF DEFENDANTS AND HAS HEARD ARGUMENTS
OF GOVERNMENT PROCESUTOR AND DEFENSE LAWYERS. A
VERDICT IS EXPECTED SHORTLY.

5. GOVERNMENT'S INDICTMENT AND FURTHER INFORMATION
DEVELOPED BY PRESIDING JUDGE DURING EXAMINATION OF
DEFENDANTS APPEARS TO SUBSTANTIATE CHARGES THAT MOST
OF THE 33 BELONGED TO AN OPPOSITION POLITICAL GROUP
CALLED THE MOVEMENT OF POPULAR UNITY (MUP). THEY
APPEAR TO HAVE ENGAGED IN PERIODIC, PRIVATE MEETINGS
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TO DISCUSS POLITICAL ISSUES AND TO HAVE DRAFTED AND
DISTRIBUTED TRACTS ON POLITICAL QUESTIONS. THEY
ALSO APPEAR TO HAVE SOUGHT NEW ACTIVISTS FOR THEIR
MOVEMENT AND TO HAVE HELD MEETINGS WITH BEN SALAH
AND OTHER TUNISIAN POLITICAL EXILES IN EUROPE. GOT
ASSERTS IN ITS INDICTMENT THAT STATEMENTS MADE IN THE
TRACTS WHEN TAKEN TOGETHER WITH HOLDING PERIODIC
POLITICAL MEETINGS WITHOUT MINISTRY OF INTERIOR AUTHORIZATION
CONSTITUTED AND ATTEMPT TO OVERTHROW THE STATE. GOT
MADE PARTICULAR ISSUE OF MUP FIVE POINT MANIFESTO
CIRCULATED IN JANUARY 1977 (SEE A-26, MARCH 3, 1977)
THAT ASSERTED BOURGUIBA'S ELECTION AS PRESIDENT FOR LIFE
WAS ILLEGAL AND SAID THE CURRENT REGIME HAD THROWN
ASIDE THE REMNANTS OF CONSTITUTIONAL APPEARANCES. THE
TRACT SEVERELY CRITICIZED REGIME'S SOCIAL AND ECONOMIC
POLICIES AND CALLED FOR THE ESTABLISHMENT OF A
"PROVISIONAL GOVERNMENT OF NATIONAL SOLIDARITY" THAT
WILL HOLD NEW LEGISLATIVE AND PRESIDENTIAL
ELECTIONS AND WILL OVERSEE REFORM OF THE CONSTITUTION
BY AN NEW PARLIAMENT. GOT INDICTMENT HAS DRAWN ON
STATEMENTS IN MUP MANIFESTO PUBLISHED IN MARCH QOUT
(SEE A-41, MAY 13, 1975) TO FURTHER SUBSTANTIATE

CHARGE THAT DEFENDANTS ADVOCATED OVERTHROW OF THE
STATE. OTHER POLITICAL TRACTS HAVE BEEN CITED
BY
GOT AS EVIDENCE OF LESSER CHARGES AGAINST DEFENDANTS
OF SPREADING FALSE NEWS, INSULTING THE CHIEF OF STATE
AND MEMBERS OF THE GOVERNMENT AND CIRCULATING PUBLICATIONS
WITHOUT PROPER AUTHORIZATION FROM COMPETENT GOT AGENCY.

6. THE PRESIDING JUDGE OF THE STATE SECURITY
COURT, MOHAMED SALAH AYARI, HAS WON THE RESPECT OF
MOST OBSERVERS OF THE TRIAL. HE HAS SUBJECTED SOME
OF THE DEFENDANTS TO THOROUGH GRILLING WHILE TREATING
OTHERS TO PHILOSOPHICAL DISCUSSIONS, BUT HE HAS GIVEN
THE IMPRESSION SEEKING FACTS WHILE PROMISING THAT
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THE DEFENDANTS WILL BE JUDGED ON THE BASIS OF THEIR
ACTS, NOT THEIR OPINIONS. THE TWO OTHER MEMBERS OF
THE COURT, WHO ARE ALSO DEPUTIES IN THE NATIONAL ASSEMBLY,
HAVE PLAYED NO PUBLIC ROLE IN THE TRIAL.

7. AT COMPLETION OF PRESIDING JUDGE'S QUESTIONING
OF DEFENDANTS, GOVERNMENT PROSECUTOR ABDELAZIZ SAADOUNI
SUMMARIZED GOT CASE AGAINST THEM ON AUGUST 2. HE
DECLARED THAT THE ACCUSED HAD SOUGHT TO UPSET THE
NATION'S STABILITY AND "DID NOT HESITATE TO ADVOCATE
CHANGE OF THE REGIME BY VIOLENT MEANS". SAADOUNI
ASSERTED THAT THE ACCUSED WERE MOTIVATED SOLELY BY
PERSONAL AMBITION FOR POWER. HE REVIEWED THE PERSONAL
POLITICAL HISTORIES OF THE OLDER MEMBERS OF THE GROUP
WHO HAD GOVERNMENT POSTS DURING THE BEN SALAH PERIOD
AND ACCUSED THEM OF BEING UNGRATEFUL FOR THE MANY
FAVORS THEY RECEIVED FROM PRESIDENT BOURGUIBA. SAADOUNI
SOUGHT TO ESTABLISH A " SOCIALIST REGIME OF REPRESSION

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C O N F I D E N T I A L SECTION 2 OF 2 TUNIS 5801

AND FAMINE" WHILE BOURGUIBA HAS MADE GIGANTIC EFFORTS
OVER THE PAST 50 YEARS TO PUT TUNISIA IN THE PLACE
IT NOW OCCUPIES IN THE ARAB WORLD AND AFRICA.

8. DEFENSE LAWYERS BASED THEIR CASES ON ARGUMENT
THAT DEFENDANTS WERE ONLY EXERCISING FREEDOMS OF
SPEECH AND ASSOCIATION GUARANTEED BY TUNISIAN CONSTITUTION.
THEY ARGUED THAT GOT HAD ADVOCATED, PREPARED OR CARRIED OUT VIOLENT A
CTS
TO OVERTHROW REGIME. DEFENSE MAINTAINED THAT ALL
DEFENDANTS' ACTIONS WERE CONSTITUTIONALLY
PERMISSIBLE AS A PREPARATORY TO THEORETICALLY LEGAL ACT
OF CONSTITUTING A POLITICAL PARTY. DEFENSE HAS HIGHLIGHTED
DEFENDANTS' STATEMENTS THAT THEIR DRAFTS OF SOME MUP
TRACTS WERE ALTERED IN FRANCE BEFORE BEING PRINTED IN
FINAL FORM, THUS DISCLAIMING RESPONSIBILITY FOR THEIR
FULL CONTENT. REGARDING TRACTS PREPARED WHOLLY IN
TUNISIA ON CURRENT EVENTS (E.G., PERIODIC UNIVERSITY
TROUBLES AND THE STATE LANDS DISPUTE OF LATE 1976),
DEFENSE ASSERTED THAT THESE TRACTS WERE ROUGHLY INDENTICAL
TO REPORTS ON THESE PROBLEMS APPEARING IN LOCAL PRESS,
NOTABLY IN THE TRADE UNION WEEKLY ECH-CHAAB. IN SOME
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CASES, DEFENSE ARGUED THAT THEIR CLIENTS AHD PLAYED
NO MATERIAL ROLE IN MUP AND THE PRESIDING JUDGE RELEASED
FOUR OF THESE DEFENDANTS ON PROVISIONAL LIBERTY. NEARLY
ALL OF THE DEFENDANTS HAVE SOUGHT TO DISASSOCIATE
THEMSELVES FROM BEN SALAH'S LEADERSHIP. CLAIMING THAT
THEY WERE MOTIVATED BY POLITICAL IDEAS AND NOT BY
PERSONAL LOYALTY TO THE FORMER NIMISTER.

9. PRESS COVERAGE OF THE TRIAL IN THE SEMI-INDEPENDENT
DAILIES AS-SABAH AND LE TEMPS HAS BEEN GOOD WITH MORE
OR LESS FAITHFUL ACCOUNTS OF THE STATEMENTS MADE BY
THE DEFENDANTS AND THEIR LAWYERS. THESE PAPERS HAVE
ALSO INCLUDED STATEMENTS HINTING THAT THE ACCUSED
WORE TORTURED. PSD DAILY L'ACTION HAS CAREFULLY
EDITED TRIAL ACCOUNTS TO WEED OUT STATEMENT THAT

REFLECT BADLY ON GOVERNMENT. L'ACTION HAD STARTED TRIAL WITH PRESS TREATMENT DESIGNED TO DONDEMN THE ACCUSED BUT HAS NOW TONED DOWN ITS COVERAGE AND APPEARS MORE EVEN-HANDED.

10. WE HAVE BEEN RELIABLY INFORMED THAT MOST OF THE DEFENDANTS TOLD THE COURT THAT THEY WERE PHYSICALLY ABUSED IN THE COURSE OF INTERROGATION BY THE POLICE. SOURCES CLOSE TO SOME OF THE DEFENDANTS HAVE TOLD US THAT MOST OF THEM CLAIM THEY WERE SUBJECTED TO PSYCHOLOGICAL STRESS AND LIGHT BEATINGS. REPORTEDLY SOME DEFENDANTS HAVE CLAIMED THEY WERE SUBJECTED TO MORE SEVERE PHYSICAL MEASURES. THE TUNISIAN LEAGUE FOR THE RIGHTS OF MAN HAS CONDUCTED AND INVESTIGATION OF THESE CHARGES AND WILL PRESENT A REPORT TO THE COURT ON ITS FINDINGS.

11. THIS STATE SECURITY COURT TRIAL HAS EXITED WIDE INTEREST IN TUNISIAN POLITICAL CIRCLES.
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